III. REMARKS

Claims 1-7 are pending in this application. By this amendment, claim 1 has been amended. This amendment is supported by Applicants' original specification, for example, at page thirteen. Applicants are not conceding in this application that this claim is not patentable over art cited by the Examiner, as the present claim amendments and cancellations are for facilitating expeditious allowance of the claimed subject matter. Further, Applicants reserve the right to pursue the full scope of the subject matter of the original claims in a subsequent patent application that claims priority to the instant application. Reconsideration in view of the following remarks is respectfully requested.

In the Office Action, claims 1-7 are rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over Skemer (US Pub. No. 2001/0044893), hereinafter "Skemer" in view of Kalavade et al. (US Pub. No. 2003/0051041), hereinafter "Kalavade." Applicants respectfully request withdrawal of the rejections.

Claim 1 reads in part:

> "… repeatedly polling from the NAS communication loss detector agent the at least one NAS and, if no answer is received from at least one non-responding NAS after a predetermined period of time and a predetermined number of repeated pollings, sending from the NAS communication loss detector agent a RADIUS stop accounting request to the RADIUS server for all sessions established by the at least one non-responding NAS, and
>
> if an answer is received from at least one NAS before the predetermined period of time and the predetermined number of repeated pollings, repeatedly

polling from the NAS communication loss detector agent a different NAS." (Claim 1)(Emphasis added).

Applicants submit that Kalavade and Skemer fail, *inter alia*, to disclose, "…sending from the NAS communication loss detector agent a RADIUS stop accounting request to the RADIUS server for all sessions established by the at least one non-responding NAS…" (Claim 1). At best, Kalavade discusses sending "…an Accounting Request to the RADIUS server at the beginning and end of the user session." (Kalavade at para. 221). The "Accounting Request" of Kalavade is characterized merely as "…pass[ing] information regarding the volume of data sent and the duration of the session." (*Id.*). Thus, the "Accounting Request" of Kalavade does not stop the accounting feature of the RADIUS server, but simply passes information regarding data volume and session duration. In contrast, the "stop accounting request" of claim 1 acts to stop the accounting feature of the RADIUS server for all sessions established by the at least one non-responding NAS. The term "stop" as used within the "stop accounting request" of claim 1, *inter alia*, distinguishes this request from that disclosed in Kalavade. As such, Kalavade does not disclose, "…sending from the NAS communication loss detector agent a RADIUS stop accounting request to the RADIUS server for all sessions established by the at least one non-responding NAS…" Further, Skemer fails to overcome the deficiencies of Kalavade, discussed above. Accordingly, Applicants respectfully request withdrawal of the rejection.

Further, both Kalavade and Skemer fail to disclose, *inter alia*, "…if an answer is received from at least one NAS … repeatedly polling from the NAS communication loss

detector agent a different NAS." At best, Skemer discusses "…periodically poll[ing] the IAD SNMP agent to upload the accumulated statistics." (Skemer at para. 56). These "accumulated statistics" are gathered by an "integrated access device", and relate to the amount of resources used during a session. (*Id.*). Thus, Skemer uses polling merely to acquire updates to accumulated statistics. (*Id.*). In contrast, claim 1 is drawn to, *inter alia*, a system that uses repeated polling to determine whether at least one NAS will answer. If an answer is received from at least one NAS, the method of claim 1 provides for repeatedly polling from the NAS communication loss detector agent a different NAS. Skemer fails to disclose the use of "a different NAS", and as explained above, also fails to disclose "repeatedly polling" as in claim 1. As such, Skemer fails to disclose, "…if an answer is received from at least one NAS … repeatedly polling from the NAS communication loss detector agent a different NAS." Further, Kalavade fails to overcome the deficiencies of Skemer, discussed above. Accordingly, Applicants respectfully request withdrawal of the rejection.

The dependent claims are believed allowable for the same reasons stated above, as well as for their own additional features.

Applicants submit that each of the pending claims is patentable for one or more additional unique features. To this extent, Applicants do not acquiesce to the Examiner's interpretation of the claimed subject matter or the references used in rejecting the claimed subject matter. Additionally, Applicants do not acquiesce to the Examiner's analysis, combinations, and modifications of the various references or the motives cited for such combinations and modifications. These features and the appropriateness of the Examiner's combinations and modifications have not been separately addressed herein

for brevity. However, Applicants reserve the right to present such arguments in a later response should one be necessary.

Should the Examiner believe that anything further is necessary in order to place the application in better condition for allowance, the Examiner is requested to contact Applicants' undersigned representative at the telephone number listed below.

Respectfully submitted,

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